



**ROBINSON MCFADDEN**  
ATTORNEYS AND COUNSELORS AT LAW

ROBINSON, MCFADDEN & MOORE, P.C.  
COLUMBIA, SOUTH CAROLINA

September 26, 2008

**VIA ELECTRONIC FILING**

Mr. Charles Terreni  
Chief Clerk of the Commission  
Public Service Commission of South Carolina  
Synergy Business Park, Saluda Building  
101 Executive Center Drive  
Columbia, South Carolina 29210

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**Re: Time Warner Cable Information Services' Application to Amend its  
Certificate of Public Convenience & Necessity to Provide Telephone  
Services in the Service Area of PBT Telecom, Inc.  
Docket No. 2008-328-C**

Dear Mr. Terreni:

Enclosed for filing please find Time Warner Cable Information Services ("TWCIS") Reply to PBT Telecom, Inc.'s Memorandum Opposing TWCIS' Motion for Protective Order in the above referenced docket. By copy of this letter copies of these documents are being served on the parties of record.

If you have any questions, please have someone on your staff contact me.

Yours truly,

ROBINSON, MCFADDEN & MOORE, P.C.

Frank R. Ellerbe, III

FRE/tch  
Enclosures

cc w/enc: M. John Bowen, Jr., Esquire (via email and hand delivery)  
Margaret M. Fox, Esquire (via email and hand delivery)  
Nanette S. Edwards, Esquire (via email and hand delivery)  
Jeffrey M. Nelson, Esquire (via email and hand delivery)

**STATE OF SOUTH CAROLINA**

**In Re: Application of Time Warner Cable  
Information Services (South Carolina) LLC, d/b/a  
Time Warner Cable to Amend its Certificate of  
Public Convenience and Necessity to Provide  
Telephone Services in the Service Area of PBT  
Telecom, Inc. and for Alternative Regulation**

**BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA**

**COVER SHEET**

**DOCKET  
NUMBER: 2008-328-C**

(Please type or print)

**Submitted by:** Frank R. Ellerbe, III

**SC Bar Number:** 1866

**Address:** Robinson, McFadden & Moore, P.C.  
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NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

**DOCKETING INFORMATION** (Check all that apply)

☐ **Emergency Relief demanded in petition**      ☐ **Request for item to be placed on Commission's Agenda expeditiously**

☐ **Other:** \_\_\_\_\_

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)		
<input type="checkbox"/> Electric	<input type="checkbox"/> Affidavit	<input type="checkbox"/> Letter	<input type="checkbox"/> Request
<input type="checkbox"/> Electric/Gas	<input type="checkbox"/> Agreement	<input type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certification
<input type="checkbox"/> Electric/Telecommunications	<input type="checkbox"/> Answer	<input type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigation
<input type="checkbox"/> Electric/Water	<input type="checkbox"/> Appellate Review	<input type="checkbox"/> Objection	<input type="checkbox"/> Resale Agreement
<input type="checkbox"/> Electric/Water/Telecom.	<input type="checkbox"/> Application	<input type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment
<input type="checkbox"/> Electric/Water/Sewer	<input type="checkbox"/> Brief	<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter
<input type="checkbox"/> Gas	<input type="checkbox"/> Certificate	<input type="checkbox"/> Petition for Rulemaking	<input checked="" type="checkbox"/> Response
<input type="checkbox"/> Railroad	<input type="checkbox"/> Comments	<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discovery
<input type="checkbox"/> Sewer	<input type="checkbox"/> Complaint	<input type="checkbox"/> Petition to Intervene	<input type="checkbox"/> Return to Petition
<input checked="" type="checkbox"/> Telecommunications	<input type="checkbox"/> Consent Order	<input type="checkbox"/> Petition to Intervene Out of Time	<input type="checkbox"/> Stipulation
<input type="checkbox"/> Transportation	<input type="checkbox"/> Discovery	<input type="checkbox"/> Prefiled Testimony	<input type="checkbox"/> Subpoena
<input type="checkbox"/> Water	<input type="checkbox"/> Exhibit	<input type="checkbox"/> Promotion	<input type="checkbox"/> Tariff
<input type="checkbox"/> Water/Sewer	<input type="checkbox"/> Expedited Consideration	<input type="checkbox"/> Proposed Order	<input type="checkbox"/> Other:
<input type="checkbox"/> Administrative Matter	<input type="checkbox"/> Interconnection Agreement	<input type="checkbox"/> Protest	
<input type="checkbox"/> Other:	<input type="checkbox"/> Interconnection Amendment	<input type="checkbox"/> Publisher's Affidavit	
	<input type="checkbox"/> Late-Filed Exhibit	<input type="checkbox"/> Report	

**BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA**

IN RE: Application of Time Warner Cable Information	)	
Services (South Carolina), LLC d/b/a Time Warner	)	
Cable to amend its Certificate of Public Convenience	)	Docket No. 2008-328-C
and Necessity to Provide Telephone Services in the	)	
Service Area of PBT Telecom, Inc. and for	)	
Alternative Regulation	)	
	)	

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**REPLY OF TWCIS TO MEMORANDUM OF  
PBT TELECOM, INC. OPPOSING TWCIS MOTION FOR  
PROTECTIVE ORDER**

Along with its application in this proceeding, Time Warner Cable Information Services ("TWCIS") filed a motion for protective order to protect the confidentiality of its 2007 Annual Report which was filed as an exhibit supporting the application. PBT Telecom, Inc. ("PBTs") has intervened in the proceeding and filed a memorandum opposing the motion. TWCIS now files this reply memorandum modifying and narrowing the scope of its motion for protection.

In April 2008 TWCIS filed three copies of its 2007 Annual Report with the Office of Regulatory Staff. At that time TWCIS requested that Schedule 7 of the report be treated as confidential and proprietary. TWCIS now amends its motion for protective order to seek protection only for Schedule 7. Schedule 7 contains information on how many South Carolina access lines are served by TWCIS. This Commission has at least twice ruled that information contained in Schedule 7 is confidential and proprietary and appropriate for protection pursuant to the relevant provisions of the Freedom of Information Act, specifically S.C. Code Ann. Section 30-4-40(a)(1). See Order Granting Home Telephone Company, Inc.'s Motion for Confidential Treatment, Order No. 2008-390, in Docket No. 2008-184-A; and Order Granting PBT Telecom, Inc.'s Motion for Confidential Treatment, Order No. 2008-391, in Docket No. 2008-184-A.

The information contained in the TWCIS Schedule 7 is, of course, exactly the same type of information contained in the schedules of Home Telephone and PBT and should be protected in the same fashion. In addition, counsel for TWCIS has offered to produce to counsel for PBT a full version of the 2007 Annual Report (with Schedule 7) under an appropriate confidentiality agreement or protective order. Production of the document in that manner (as is customary in proceedings before this Commission) will fully protect the ability of PBT to have access to the confidential information for litigation purposes while protecting the legitimate interests of TWCIS in maintaining the confidentiality of its trade secret information.

For the foregoing reasons TWCIS requests that the Commission issue an order granting protection for Schedule 7 to the TWCIS 2007 Annual Report and only requiring the production of Schedule 7 under an appropriate confidentiality agreement.

Dated this 26th day of September, 2008.

ROBINSON, MCFADDEN & MOORE, P.C.

By



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Attorneys for Time Warner Cable Information  
Services, (South Carolina), LLC

**BEFORE  
THE PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA  
DOCKET NO. 2008-328-C**

In Re:

**Application of Time Warner Cable Information  
Services (South Carolina) LLC, d/b/a Time  
Warner Cable to Amend its Certificate of  
Public Convenience and Necessity to Provide  
Telephone Services in the Service Area of PBT  
Telecom, Inc. and for Alternative Regulation**

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**CERTIFICATE OF SERVICE**

This is to certify that I, Leslie Allen, a legal assistant with the law firm of Robinson, McFadden & Moore, P.C., have this day caused to be served upon the person(s) named below **Reply of TWCIS to Memorandum of PBT Telecom, Inc. Opposing TWCIS Motion for Protective Order** in the foregoing matter by causing a copy of same to be hand delivered, in an envelope addressed as follows:

Nanette S. Edwards, Esquire  
Jeffrey M. Nelson, Esquire  
Office of Regulatory Staff  
1401 Main Street, Suite 900  
Columbia, SC 29201

M. John Bowen, Jr. Esquire  
Margaret M. Fox, Esquire  
McNair Law Firm, PA  
1301 Gervais Street  
Columbia, South Carolina 29201

Dated at Columbia, South Carolina this 26<sup>th</sup> day of September, 2008.



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Leslie Allen